

Panaji, 17th October, 1985 (Asvina 25, 1907)

SERIES I No. 29

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

1/25/78-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7(11)/62-Goa dated the 25th July, 1963 and in supersession of the existing recruitment rules for the posts, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules relating to recruitment to the Group 'D', Non-Ministerial, Non-Gazetted posts in the Office of the Lieutenant Governor, Cabo Raj Niwas, under the Government of Goa, Daman and Diu, namely: —

1. Short title, application and commencement. —
(1) These rules may be called the Government of Goa, Daman and Diu, Office of the Lieutenant Governor, Group 'D', Non-Ministerial, Non-Gazetted posts Recruitment Rules, 1985.

(2) *Application.* — These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter referred to as the "said Schedule").

(3) They shall come into force from the date of publication of this Notification in the Official Gazette.

2. Number, classification and scales of pay. — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications. — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. Disqualification. — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage or that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax: — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving. — Nothing in these rules shall affect reservation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

By order and in the name of the Lieutenant Governor of Goa, Daman & Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 27th September, 1985.

SCHEDULE

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Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruit will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Head Waiter	1 (1985) Subject to variation dependent on work-load.	Group 'D' Non-Ministerial, Non-Gazetted.	Rs. 210-4-250-EB-5-270	Selection	Not exceeding 30 years (Relaxable for Government servants as well as in other deserving cases at the discretion of the Head of Department)	<i>Essential:</i> i) Standard VIII or equivalent. ii) 3 years experience in the grade in a reputed hotel or concern. <i>Desirable:</i> Knowledge of Konkani and/or Marathi.	Not applicable.	Two years	By promotion, failing which by direct recruitment.	<i>Promotion:</i> Waiter in the Office of Lieutenant Governor with three years service in the grade.	Group 'D' D.P.C.	Not applicable.
2. Waiter	2 (1985) Subject to variation dependent on work-load.	Group 'D' Non-Ministerial, Non-Gazetted.	Rs. 200-3-206-4-234-EB-4-250	Not applicable	Not exceeding 30 years (Relaxable for Government servants as well as in other deserving cases at the discretion of the Head of Department)	<i>Essential:</i> i) Standard VIII or equivalent. ii) Experience in the grade in a reputed hotel or concern. <i>Desirable:</i> Knowledge of Konkani and/or Marathi.	Not applicable.	Two years	By direct recruitment, failing which, by transfer.	<i>Transfer:</i> Persons holding identical post in the Office of Lieutenant Governor or any other Department under this Administration.	Group 'D' D.P.C. (for considering confirmation.)	Not applicable.

Notification

5/3/85-PER (1)

In exercise of the powers conferred by sub-section (2) of section 9, sub-section (2) of section 12 and section 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, read with item (iii) of serial No. 4 of Part III and item (iii) of serial No. 1 of part IV of schedule thereto, the Administrator of Goa, Daman and Diu in supersession of the Notifications issued in this respect from time to time, hereby specifies, in relation to the posts mentioned in column 2 of the schedule appended hereto, the following appointing authorities, disciplinary authorities the penalties which the said disciplinary authorities may impose and the appellate authority in the corresponding entries in columns 3, 4, 5 and 6, respectively, of the said schedule:—

SCHEDULE

Sl. No.	Description of post	Appointing Authority	Authority competent to impose penalties and which it may impose with reference to item numbers in Rule II Authority	Penalties	Appellate authority
1	2	3	4	5	6
1.	All Group 'C' and group 'D' posts in the Office of the Inspector of Factories and Boilers.	Chief Inspector of Factories and Boilers	Chief Inspector of Factories and Boilers	All	Secretary (Industries & Labour)

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 30th September, 1985.

Notification

1/37/74-PER(Part)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs, New Delhi Notification No. F.7(11)/62-Goa dated the 25th July, 1963, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules amending the Goa Government, Directorate of Transport, (Non-Ministerial Non-Gazetted) posts Recruitment Rules, 1975 issued under Notification No. 1-49-74-SPL dated the 21st August, 1975 and published in Official Gazette, Series I, No. 23 dated the 4th September, 1975 namely:—

1. *Short title and commencement:*— (i) These rules may be called Government of Goa, Daman and Diu, Directorate of Transport, Group 'C' (non-ministerial non-Gazetted) post Recruitment (First Amendment) Rules, 1985.

(ii) They shall come into force at once.

2. In the schedule attached to the said Notification the existing entry under column 7 against the post of Asstt. Motor Vehicle Inspector shall be substituted as follows:

Essential:

i) Diploma in Automobile/Mechanical Engineering from a recognised Institution or equivalent.

or

S.S.C.E. or equivalent examination with a certificate from a recognised I.T.I. in the Trade of Motor Mechanic.

ii) Two years driving experience of all types of vehicle with knowledge of Motor Vehicle Law and Traffic Regulations and good Vision.

Desirable:

i) Degree in Automobile/Mechanical Engineering.

ii) Working knowledge of Konkani and/or Marathi (and/or Gujarati only in case of posts in Daman and Diu).

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 1st October, 1985.

Public Works and Urban Development Department

Notification

1-1-82-HB

Whereas certain draft rules to amend the Goa, Daman and Diu Housing Board Rules, 1969, were published as required by sub-section (1) of section 128 of the Goa, Daman and Diu Housing Board Act, 1968 (12 of 1968) at page 47 of the Official Gazette, Series I, No. 4 dated 26-4-1984 under the Notification No. 1-1-82-HB dated 7-4-1984 of the Local Administration and Welfare Department, Government of Goa, Daman and Diu Secretariat, Panaji inviting objections and suggestions from all persons likely to be affected thereby till fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas, the said Gazette was made available to the public on 26-4-1984.

And whereas, no objections and suggestions have been received from the public on the said draft by the Government;

Now, therefore in exercise of the powers conferred by section 128 of the Goa, Daman and Diu Housing Board Act, 1968 (12 of 1968) the Government of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Housing Board Rules, 1969, namely:—

1. *Short title and commencement:*— (1) These rules may be called the Goa, Daman and Diu Housing Board (First Amendment) Rules, 1985.

2. They shall come into force at once.

2. *Amendment of rule 3.* — For clause (a) of sub-rule (3) of rule 3 of the Goa, Daman and Diu Housing Board Rules, 1969, the following clause shall be substituted, namely:—

“(a) An allowance of Rs. 50/- for every day of a meeting of the Board that he attends, and”.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (PW&UD).

Panaji, 4th October, 1985.

Tourism, Information and Transport Department

Notification

5/44/85-TIT (TPT)

Whereas certain draft rules, further to amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, in exercise of the powers conferred by clause (ff) of sub-section (2) of section 41 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) were published as required by sub-section (1) of section 133 of the said Act in the Official Gazette, Extraordinary, Series I, No. 14, dated 4-7-1985 under the Notification of even number dated 4-7-1985 of the Tourism, Information and Transport Department, Government of Goa, Daman and Diu, Secretariat, Panaji-Goa, inviting objections and suggestions from the public on the said draft rules within fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 4th July, 1985;

And whereas no objections and suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by clause (ff) of sub-section (2) of section 41 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely: -

1. *Short title.* — (1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Sixtieth Amendment) Rules, 1985.

2. *Amendment of rule 1.4.* — In rule 1.4 of the Goa, Daman and Diu Motor Vehicles Rules, 1965, the words “and certified by the General Administration Department of the Government of Goa, Daman and Diu as being used in connection with the Administration of the Union territory of Goa Daman and Diu” shall be omitted.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

T. J. Faleiro, Under Secretary (STE).

Panaji, 27th September, 1985.

Law Department

Legal Affairs Branch

Notification

LD/5/12/82(D) (Part)

The following Act which is passed by the Legislative Assembly of Goa, Daman and Diu and assented to by the Administrator of Goa, Daman and Diu on 30th day of September, 1985 is hereby published for the general information of the public.

B. S. Subbanna, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 7th October, 1985.

The Goa University (Amendment) Act, 1985

(Act No. 21 of 1985)

AN

ACT

to amend the Goa University Act, 1984

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Goa University (Amendment) Act, 1985.

(2) It shall come into force at once.

2. *Amendment of section 1.* — In section 1 of the Goa University Act, 1984 (7 of 1984) (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.”

3. *Amendment of section 5.* — In section 5 of the principal Act, in clause (20), for the words “receive donations”, the words “receive grants and donations” shall be substituted.

4. *Amendment of schedule.* — In the schedule to the principal Act, in clause (1) of statute 2, for the word “Registrar”, the word “Chancellor” shall be substituted.

5. *Repeal and saving.* — (1) The Goa University (Amendment) Ordinance, 1985 (Ordinance No. 1 of 1985) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Notification

LD/8/3/85-L. A. B.

The following Notification bearing No. U-11030/1/85-UTL dated the 21st August, 1985 issued by the Ministry of Home Affairs, New Delhi, is hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting) to the Government of Goa, Daman and Diu.

Panaji, 24th September, 1985.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF HOME AFFAIRS

(GRIH MANTRALAYA)

New Delhi, dated the 21st August, 1985

Notification

S. O. No. 616 (E). — In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Administrator of every Union territory (whether known as Administrator, Lieutenant Governor or Chief Commissioner) shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of the State Government under the Dangerous Machines (Regulation) Act, 1983 (35 of 1983).

[U-11030/1/85-UTL]

(H. V. GOSWAMI)

Joint Secretary to the Govt. of India.

Notification

LD/8/3/85-L.A.B.

The Arms (Amendment) Act, 1985 (No. 39 of 1985) which was passed by Parliament and assented to by the President of India on the 28th May, 1985 and published in the Gazette of India, Extraordinary, Part II-Section 1 dated 29th May, 1985, is hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting) to the Government of Goa, Daman and Diu.

Panaji, 30th September, 1985.

GOVERNMENT OF INDIA**MINISTRY OF LAW AND JUSTICE**

(Legislative Department)

New Delhi, the 29th May, 1985/Jyaistha 8, 1907
(Saka)

The following Act of Parliament received the assent of the President on the 28th May, 1985,

and is hereby published for general information:—

The Arms (Amendment) Act, 1985

No. 39 of 1985

[28th May, 1985.]

An Act further to amend the Arms Act, 1959.

Be it enacted by Parliament in the thirty-sixth Year of the Republic of India as follows:—

1. **Short title.** — This Act may be called the Arms (Amendment) Act, 1985.

2. **Amendment of section 25 of Act 54 of 1959.** — In section 25 of the Arms Act, 1959, —

(a) in sub-section (1A), for the words “one year, but which may extend to five years”, the words “three years, but which may extend to seven years” shall be substituted;

(b) in sub-section (1B), for the words “six months”, at both the places where they occur, the words “one year” shall be substituted;

(c) after sub-section (1B), the following sub-section shall be inserted, namely:—

“(1C) Notwithstanding anything contained in sub-section (1B), whoever commits an offence punishable under that sub-section in any disturbed area shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

Explanation. — For the purposes of this sub-section, “disturbed area” means any area declared to be a disturbed area under any enactment, for the time being in force, making provision for the suppression of disorder and restoration and maintenance of public order, and includes any areas specified by notification under section 24A or section 24B’.

R. V. S. PERI SASTRI,

Secy. to the Govt. of India.

Notification

LD/8/3/85-L.A.B.

The Representation of the People (Amendment) Ordinance, 1985 (No. 5 of 1985) which is promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II — Section 1, dated the 8th September, 1985 is hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting) to the Government of Goa, Daman and Diu.

Panaji, 23rd September, 1985.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 8th September, 1985/
/Bhadra 17, 1907 (Saka)

THE REPRESENTATION OF THE PEOPLE
(AMENDMENT) ORDINANCE, 1985

No. 5 of 1985

Promulgated by the President in the Thirty-sixth
Year of the Republic of India

An Ordinance further to amend the Representation
of the People Act, 1951.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. **Short title and commencement.**— (1) This Ordinance may be called the Representation of the People (Amendment) Ordinance, 1985.

(2) It shall come into force at once.

2. **Amendment of section 52 of Act 43 of 1951.**— In the Representation of the People Act, 1951, in section 52,—

(a) for the words “a candidate whose nomination has been found valid”, the words “a candidate who has been set up by a recognised political party and whose nomination has been found valid” shall be substituted;

(b) for the words “if a contesting candidate dies”, the words “if a contesting candidate who has been set up by a recognised political party dies” shall be substituted; and

(c) the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*— For the purposes of this section, a candidate shall be deemed to have been set up by a recognised political party if, and only if, he is deemed under the Election Symbols (Reservation and Allotment) Order, 1968 to have been so set up, and the provisions of that Order as in force immediately before the commencement of the Representation of the People (Amendment) Ordinance, 1985 shall be read as one with this section.”

ZAIL SINGH,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

Notification

LD/1/9/85-(D).

The Land Acquisition (Amendment) Act, 1984 (No. 68 of 1984) which was passed by Parliament and assented to by the President on 24-9-1984 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 24-9-1985 is hereby republished for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 11th March, 1985.

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND
COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 24th September, 1984/Asvina
2, 1906 (Saka)

The following Act of Parliament received the assent of the President on the 24th September, 1984, and is hereby published for general information:—

The Land Acquisition (Amendment) Act, 1984

No. 68 of 1984

[24th September, 1984.]

An Act further to amend the Land Acquisition Act, 1894.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. **Short title.**— This Act may be called the Land Acquisition (Amendment) Act, 1984.

2. **Amendment of section 1.**— In sub-section (2) of section 1 of the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), for the words, figures and letters “the territories which, immediately before the 1st November, 1956, were comprised in Part B States; and”, the words “the State of Jammu and Kashmir.” shall be substituted. 1 of 1894

3. **Amendment of section 3.**— In section 3 of the principal Act,—

(a) after clause (a), the following clause shall be inserted, namely:—

“(aa) the expression “local authority” includes a town planning authority (by whatever name called) set up under any law for the time being in force;”;

(b) after clause (c), the following clause shall be inserted, namely:—

“(cc) the expression “corporation owned or controlled by the State” means any body corporate established by or under a Central, Provincial or State Act, and includes a Government company as defined in section 617 of the Companies Act, 1956, a society registered under the Societies Registration Act, 1860, or 1 of 1956
21 of 1860

under any corresponding law for the time being in force in a State, being a society established or administered by Government and a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State, being a co-operative society in which not less than fifty-one per centum of the paid-up share capital is held by the Central Government, or by any State Government or Governments, or partly by the Central Government and partly by one or more State Governments;";

(c) for clause (e), the following clause shall be substituted, namely:—

'(e) the expression "Company" means—

(i) a company as defined in section 3 of the Companies Act, 1956, 1 of 1956. other than a Government company referred to in clause (cc);

(ii) a society registered under the Societies Registration Act, 1860, or 21 of 1860. under any corresponding law for the time being in force in a State, other than a society referred to in clause (cc);

(iii) a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State, other than a co-operative society referred to in clause (cc);";

(d) for clause (f), the following clause shall be substituted, namely:—

'(f) the expression "public purpose" includes—

(i) the provision of village-sites, or the extension, planned development or improvement of existing village sites;

(ii) the provision of land for town or rural planning;

(iii) the provision of land for planned development of land from public funds in pursuance of any scheme or policy of Government and subsequent disposal thereof in whole or in part by lease, assignment or outright sale with the object of securing further development as planned;

(iv) the provision of land for a corporation owned or controlled by the State;

(v) the provision of land for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by Government, any local authority or a corporation owned or controlled by the State;

(vi) the provision of land for carrying out any educational, housing, health or slum clearance scheme sponsored by Government or by any authority established by Government for carrying out any such scheme, or, with the prior approval of the

appropriate Government, by a local authority, or a society registered under the Societies Registration Act, 1860, or under any corresponding 21 of 1860. law for the time being in force in a State, or a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State;

(vii) the provision of land for any other scheme of development sponsored by Government, or, with the prior approval of the appropriate Government, by a local authority;

(viii) the provision of any premises or building for locating a public office,

but does not include acquisition of land for Companies;";

(e) in clause (g), in the proviso, in clause (iii), for the words and figures "Chapter XXXI of the Code of Civil Procedure", the words and figures "Order XXXII of the First Schedule to 14 of 1882. the Code of Civil Procedure, 1908" shall 5 of 1908. be substituted.

4. Amendment of section 4. — In sub-section (1) of section 4 of the principal Act, —

(a) after the words "any public purpose", the words "or for a Company" shall be inserted;

(b) after the words "Official Gazette", the words "and in two daily newspapers circulating in that locality of which at least one shall be in the regional language" shall be inserted;

(c) after the words "in the said locality", the brackets and words "(the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the notification)" shall be inserted.

5. Amendment of section 5A. — In section 5A of the principal Act, —

(a) in sub-section (1), for the words "within thirty days after the issue of the notification", the words "within thirty days from the date of the publication of the notification" shall be substituted;

(b) in sub-section (2), for the words "either in person", the words "in person or by any person authorised by him in this behalf" shall be substituted.

6. Amendment of section 6. — In section 6 of the principal Act, —

(a) in sub-section (1), —

(1) for the first proviso, the following proviso shall be substituted, namely:—

"Provided that no declaration in respect of any particular land covered by a notification under section 4, sub-section (1), —

(i) published after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967, but before the commencement of the Land Acquisition (Amendment) 1 of 1967.

Act, 1984, shall be made after the expiry of three years from the date of the publication of the notification; or

(ii) published after the commencement of the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of one year from the date of the publication of the notification.”;

(2) the following *Explanations* shall be inserted at the end, namely:—

Explanation 1.—In computing any of the periods referred to in the first proviso, the period during which any action or proceeding to be taken in pursuance of the notification issued under section 4, sub-section (1), is stayed by an order of a Court shall be excluded.

Explanation 2.—Where the compensation to be awarded for such property is to be paid out of the funds of a corporation owned or controlled by the State, such compensation shall be deemed to be compensation paid out of public revenues.”;

(b) in sub-section (2), for the words “, and shall state”, the words and brackets “and in two daily newspapers circulating in the locality in which the land is situate of which at least one shall be in the regional language, and the Collector shall cause public notice of the substance of such declaration to be given at convenient places in the said locality (the last of the dates of such publication and the giving of such public notice, being herein-after referred to as the date of the publication of the declaration), and such declaration shall state” shall be substituted.

7. **Amendment of section 9.**—In section 9 of the principal Act, in sub-section (4), for the words and figures “registered under Part III of the Indian Post Office Act, 1866”, the words and figures “registered under sections 28 and 29 of the Indian Post Office Act, 1898” shall be substituted. 14 of 1866.
6 of 1898.

8. **Amendment of section 11.**—Section 11 of the principal Act shall be re-numbered as sub-section (1) of that section, and, —

(a) in sub-section (1) as so re-numbered, the following provisos shall be inserted at the end, namely:—

“Provided that no award shall be made by the Collector under this sub-section without the previous approval of the appropriate Government or of such officer as the appropriate Government may authorise in this behalf:

Provided further that it shall be competent for the appropriate Government to direct that the Collector may make such award without such approval in such class of cases as the appropriate Government may specify in this behalf.”;

(b) after sub-section (1) as so re-numbered, the following sub-sections shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), if at any stage of the proceedings, the Collector is satisfied that all the persons interested in the land who appeared before him have agreed in writing on the matters to be included in the award of the Collector in the form prescribed by rules made by the appropriate Government, he may, without making further enquiry, make an award according to the terms of such agreement.

(3) The determination of compensation for any land under sub-section (2) shall not in any way affect the determination of compensation in respect of other lands in the same locality or elsewhere in accordance with the other provisions of this Act.

(4) Notwithstanding anything contained in the Registration Act, 1908, no agreement made under sub-section (2) shall be liable to registration under that Act.”. 16 of 1908

9. **Insertion of new section 11A.**—After section 11 of the principal Act, the following section shall be inserted, namely:—

“11A. **Period within which an award shall be made.**—The Collector shall make an award under section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984, the award shall be made within a period of two years from such commencement.

Explanation.—In computing the period of two years referred to in this section, the period during which any action or proceeding to be taken in pursuance of the said declaration is stayed by an order of a Court shall be excluded.”.

10. **Insertion of new section 13A.**—After section 13 of the principal Act, the following section shall be inserted, namely:—

“13A. **Correction of clerical errors, etc.**—(1) The Collector may, at any time but not later than six months from the date of the award, or where he has been required under section 18 to make a reference to the Court, before the making of such reference, by order, correct any clerical or arithmetical mistakes in the award or errors arising therein either on his own motion or on the application of any person interested or a local authority:

Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making a representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered as an arrear of land revenue."

11. Amendment of section 14.—In section 14 of the principal Act, for the words "Code of Civil Procedure", the words and figures "Code of Civil Procedure, 1908" shall be substituted.

12. Insertion of new section 15A.—After section 15 of the principal Act, the following section shall be inserted, namely:—

"15A. Power to call for records, etc.—The appropriate Government may at any time before the award is made by the Collector under section 11 call for any record of any proceedings (whether by way of inquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any finding or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit:

Provided that the appropriate Government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard."

13. Amendment of section 17.—In section 17 of the principal Act,—

(a) in sub-section (1), for the words "take possession of any waste or arable land needed for public purposes or for a Company", the words "take possession of any land needed for a public purpose" shall be substituted;

(b) in sub-section (2), after the words "access to any such station," the words "or the appropriate Government considers it necessary to acquire the immediate possession of any land for the purpose of maintaining any structure or system pertaining to irrigation, water supply, drainage, road communication or electricity," shall be inserted;

(c) after sub-section (3), the following sub-sections shall be inserted, namely:—

"(3A) Before taking possession of any land under sub-section (1) or sub-section (2), the Collector shall, without prejudice to the provisions of sub-section (3),—

(a) tender payment of eighty per centum of the compensation for such land as estimated by him to the persons interested entitled thereto, and

(b) pay it to them, unless prevented by some one or more of the contingencies mentioned in section 31, sub-section (2),

and where the Collector is so prevented, the provisions of section 31, sub-section (2), (except the second proviso thereto), shall apply as they apply to the payment of compensation under that section.

(3B) The amount paid or deposited under sub-section (3A), shall be taken into account for determining the amount of compensation required to be tendered under section 31, and where the amount so paid or deposited exceeds the compensation awarded by the Collector under section 11, the excess may, unless refunded within three months from the date of the Collector's award, be recovered as an arrear of land revenue."

(d) in sub-section (4), for the words "after the publication of the notification", the words "after the date of the publication of the notification" shall be substituted.

14. Amendment of section 19.—In section 19 of the principal Act, in sub-section (1),—

(a) in clause (c), the word "and" occurring at the end shall be omitted;

(b) after clause (c), the following clause shall be inserted, namely:—

"(cc) the amount paid or deposited under sub-section (3A) of section 17; and"

15. Amendment of section 23.—In section 23 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) In addition to the market value of the land, as above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market value for the period commencing on and from the date of the publication of the notification under section 4, sub-section (1), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier;

Explanation.—In computing the period referred to in this sub-section any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded."

(b) in sub-section (2), for the words "fifteen per centum", the words "thirty per centum" shall be substituted.

16. Amendment of section 24.—In section 24 of the principal Act,—

(a) in clause *sixthly*, the word "or" occurring at the end shall be omitted;

(b) in clause *seventhly*, the word "or" shall be inserted at the end, and after the clause as so amended, the following clause shall be inserted, namely:—

"*eighthly*, any increase to the value of the land on account of its being put to any use which is forbidden by law or opposed to public policy."

17. Substitution of new section for section 25.—For section 25 of the principal Act, the following section shall be substituted, namely:—

"25. Amount of compensation awarded by Court not to be lower than the amount awarded by the Collector. — The amount of compensation awarded by the Court not be less than the amount awarded by the Collector under section 11."

18. Amendment of section 28. — In section 28 of the principal Act, —

(a) for the words "six per centum", the words "nine per centum" shall be substituted;

(b) the following proviso shall be inserted at the end, namely:—

"Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry."

19. Insertion of new section 28A. — In Part III of the principal Act, after section 28, the following section shall be inserted, namely:—

"28A. Re-determination of the amount of compensation on the basis of the award of the Court. —

(1) Where in an award under this Part, the Court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 11, the persons interested in all the other land covered by the same notification under section 4, sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Court:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18."

20. Amendment of section 34. — In section 34 of the principal Act, —

(a) for the words "six per centum", the words "nine per centum" shall be substituted;

(b) the following proviso shall be inserted at the end, namely: —

"Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry."

21. Omission of section 38. — Section 38 of the principal Act shall be omitted.

22. Amendment of section 38A. — In section 38A of the principal Act, for the words, figures and letter "sections 5A, 6, 7, 17 and 50", the words, figures and letter "sections 4, 5A, 6, 7 and 50" shall be substituted.

23. Amendment of section 39. — In section 39 of the principal Act, —

(a) for the words, figures and brackets "sections 6 to 37 (both inclusive)", the words, figures and brackets "sections 6 to 16 (both inclusive) and sections 18 to 37 (both inclusive)" shall be substituted;

(b) after the words "for any Company", the words "under this Part" shall be inserted.

24. Amendment of section 40. — In section 40 of the principal Act, in sub-section (3), for the words "Code of Civil Procedure", the words and figures "Code of Civil Procedure, 1908" shall be substituted. 14 of 1882
5 of 1908

25. Amendment of section 45. — In sub-section (3) of section 45 of the principal Act, in the proviso, for the words and figures "registered under Part III of the Indian Post Office Act, 1866", the words and figures "registered under sections 28 and 29 of the Indian Post Office Act, 1898" shall be substituted. 14 of 1866
6 of 1898

26. Amendment of section 46. — In section 46 of the principal Act, for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

27. Insertion of new section 51A. — After section 51 of the principal Act, the following section shall be inserted, namely: —

"51A. Acceptance of certified copy as evidence. — In any proceeding under this Act, a certified copy of a document registered under the Registration Act, 1908, including a copy given under section 57 of that Act, may be accepted as evidence of the transaction recorded in such document." 16 of 1908

28. Amendment of section 53. — In section 53 of the principal Act, for the words "Code of Civil Procedure", the words and figures "Code of Civil Procedure, 1908" shall be substituted. 14 of 1882
5 of 1908

29. Amendment of section 55.—In sub-section (1) of section 55 of the principal Act, —

(a) in the second proviso, for the words “before the expiry of the session in which it is so laid or the successive sessions aforesaid”, the words “before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted;

(b) after the second proviso, the following proviso shall be inserted, namely: —

“Provided also that every such rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.”.

30. Transitional provisions. — (1) The provisions of sub-section (1A) of section 23 of the principal Act, as inserted by Clause (a) of section 15 of this Act, shall apply, and shall be deemed to have applied, also to, and in relation to, —

(a) every proceeding for the acquisition of any land under the principal Act pending on the 30th day of April, 1982 [the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the people], in which no award has been made by the Collector before that date;

(b) every proceeding for the acquisition of any land under the principal Act commenced after that date, whether or not an award has been made by the Collector before the commencement of this Act.

(2) The provisions of sub-section (2) of section 23 and section 28 of the principal Act, as amended by

clause (b) of section 15 and section 18 of this Act respectively, shall apply, and shall be deemed to have applied, also to, and in relation to, any award made by the Collector or Court or to any order passed by the High Court or Supreme Court in appeal against any such award under the provisions of the principal Act after the 30th day of April, 1982 [the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the People] and before the commencement of this Act.

(3) The provisions of section 34 of the principal Act, as amended by section 20 of this Act, shall apply, and shall be deemed to have applied, also to and in relation to,

(a) every case in which possession of any land acquired under the principal Act had been taken before the 30th day of April, 1982 [the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the People], and the amount of compensation for such acquisition had not been paid or deposited under section 31 of the principal Act until such date, with effect on and from that date; and

(b) every case in which such possession had been taken on or after that date but before the commencement of this Act without the amount of compensation having been paid or deposited under the said section 31, with effect on and from the date of taking such possession.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.